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*Attorneys for Third-Party Defendant/Derivative
Counterclaimant Moti Technology Co., LTD.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MAGMA HOLDING, INC., a Nevada
corporation and META LAB, INC., a Nevada
corporation,

Plaintiffs,

vs.

KA TAT “KARTER” AU-YEUNG, an
individual, SIYUN “CRYSTAL” LU, an
individual; HUIHUI “SINDY” SUN, an
individual, DOES I-X, inclusive, and ROE
ENTITIES 1-10, inclusive,

Defendants.

KA TAT “KARTER” AU-YEUNG, an
individual,

Counterclaimant,

vs.

MAGMA HOLDING, INC., a Nevada

Case No. 2:20-cv-00406-RFB-BNW

**MOTI TECHNOLOGY CO., LTD.’S
UNOPPOSED MOTION TO EXCEED
PAGE LIMIT FOR ITS RENEWED
MOTION TO COMPEL
ARBITRATION**

1 corporation and META LAB, INC., a Nevada
2 corporation,

3 Counterdefendants.

4 KA TAT “KARTER” AU-YEUNG, an
5 individual,

6 Third-Party Plaintiff,

7 vs.

8 YUXIANG GAO, an individual, QIAN XU, an
9 individual, MOTI TECHNOLOGY CO., LTD.
10 a Cayman Island company, DOES I-X,
11 inclusive, and ROE ENTITIES 1-10, inclusive,

12 Third-Party Defendants.

13 MOTI TECHNOLOGY CO., LTD. a Cayman
14 Island company, on behalf of MAGMA
15 HOLDING, INC., a Nevada corporation and
16 META LAB, INC., a Nevada corporation,

17 Third-Party Counterclaimant,

18 vs.

19 KA TAT “KARTER” AU-YEUNG, an
20 individual;

21 Third-Party Counter-Defendant,

22 SIYUN “CRYSTAL” LU, an individual;
23 HUIHUI “SINDY” SUN, an individual;

24 Counter-Defendants,

25 MAGMA HOLDING, INC., a Nevada
26 corporation and META LAB, INC., a Nevada
27 corporation;

28 Nominal Counter-Defendants.

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Pursuant to Local Rule 7-3, Defendant Moti Technology Co. LTD. (“Moti”) files this Unopposed Motion to Exceed Page Limit (“Motion”) for its Renewed Motion to Compel Arbitration (“Renewed Motion”). This Motion is based on the Declaration of Alex L. Fugazzi, Esq. (attached hereto as **Exhibit A**), the below attached Memorandum of Points and Authorities, and the papers and pleadings on file with the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

Moti filed its initial Motion to Compel Arbitration on November 24, 2020. ECF No. 183. Karter opposed the same on December 8, 2020, alleging various defenses to the arbitrability of this matter. ECF No. 197. Following a consolidated hearing on the Motion to Compel Arbitration, the Court permitted targeted discovery on the issue of arbitrability and specifically, Karter’s allegations of forgery, fraud, and duress, instructing Moti to re-file its Motion to Compel Arbitration after the conclusion of the foregoing targeted discovery and subsequently setting an evidentiary hearing regarding the same for the week of May 9, 2022. The Parties engaged in targeted discovery in September 2021, with Moti and Karter both issuing reciprocal written discovery requests, as well as written discovery to the Receiver on September 2, 2021. Moti and Karter both responded to the written discovery on November 24, 2021, with Moti and Karter each producing more than 35,000 additional pages of documents, and the Receiver producing an additional 27,000 pages of documents. Pursuant to the deadline set forth in ECF No. 274, Moti intends to file its renewed Motion to Compel Arbitration on March 7, 2022.

In light of the foregoing, and given that the Renewed Motion will also serve as a pre-evidentiary hearing brief, the Renewed Motion not only contains what would normally be addressed in a standard motion to compel arbitration (including factual background, relevant arbitration clause provisions, various case law regarding arbitrability, and a discussion of each required element for arbitration), but in addition, and given the case’s procedural history and forthcoming evidentiary hearing, includes: (1) various rebuttals to Karter’s prior allegations against arbitrability; (2) supporting case law; and (3) a significant amount of documentary support, including various tables demonstrating the same, that will serve to extend the Renewed Motion beyond what is contemplated in the Rules in the ordinary course.

For these reasons, good cause exists to permit excess pages so that Moti may adequately address the background, foregoing issues, case law, and evidentiary support in advance of the evidentiary hearing.

Consistent with LR 7-3(c), this Unopposed Motion to Exceed Page Limit is submitted in advance of the deadline for Moti's Renewed Motion and it is supported by a declaration stating the reasons additional pages are needed and identifying the number of total pages needed as thirty-nine for Moti's Renewed Motion, excluding certificate of service, tables of contents and authorities, and any exhibits. This exceeds the twenty-four-page limit set forth by LR 7-3(b) by fifteen pages. *See* Ex. A.

For the reasons set forth herein and in the Declaration of Alex L. Fugazzi filed in support of this Motion, there is good cause for Moti's Renewed Motion to exceed the standard page limit. Therefore, Moti respectfully requests that the Court GRANT its Unopposed Motion to Exceed Page Limit.

Dated: March 7, 2022

SNELL & WILMER L.L.P.

By: /s/ Alex Fugazzi

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Counterclaimant Moti Technology Co., LTD.*

ORDER

IT IS SO ORDERED

DATED: 12:55 pm, March 14, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the date below, I electronically transmitted the foregoing **MOTI TECHNOLOGY CO., LTD.’S UNOPPOSED MOTION TO EXCEED PAGE LIMIT FOR ITS RENEWED MOTION TO COMPEL ARBITRATION** to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

DATED this 7th day of March, 2022

/s/ Lyndsey Luxford

An employee of SNELL & WILMER L.L.P.

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